

## APPENDIX M

### MODEL SUBORDINATION AGREEMENT

EPA Site Name: GE-Pittsfield/Housatonic River Site

DEP Disposal Site Name: GE Pittsfield Disposal Sites

DEP Disposal Site No. \_\_\_\_\_ [**insert no. for area that contains the property subject to the encumbrance being subordinated**]

\_\_\_\_\_, of \_\_\_\_\_ (Town/City), \_\_\_\_\_  
County, \_\_\_\_\_ (State), is the holder of a \_\_\_\_\_ granted by  
\_\_\_\_\_ to \_\_\_\_\_, dated \_\_\_\_\_, recorded with the  
Berkshire County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ and/or registered with the Land  
Registration Office of the Berkshire County Registry District as Document No. \_\_\_\_\_.

\_\_\_\_\_ hereby assents to the Grant of Environmental Restriction and Easement  
("Grant") granted by \_\_\_\_\_ to the Department of Environmental Protection [**or alternate  
grantee**] dated \_\_\_\_\_ and recorded with the Berkshire County Registry of Deeds in  
Book \_\_\_\_\_, Page \_\_\_\_\_, and/or registered with the Land Registration Office of Berkshire County  
Registry District as Document No. \_\_\_\_\_, [**to be filled in upon recordation and/or  
registration of the Grant and of this Subordination Agreement, immediately following**] and  
agrees that the \_\_\_\_\_ shall be subject to said Grant and to the rights, covenants,  
restrictions and easements created by and under said Grant insofar as the interests created under the  
\_\_\_\_\_ affect the [Property] [Restricted Area] identified in the Grant and as if for all purposes  
said Grant had been executed, delivered and recorded prior to the execution, delivery and recordation  
and/or registration of the \_\_\_\_\_.

**[For non-GE property, add the following:]** \_\_\_\_\_ further  
assentsassets specifically to the subsequent recordation and/or registration by the General Electric  
Company of a Notice of CompletionModification to the Grant and, if applicable, a revisedan amended  
Plan of Restricted AreaAreas, in accordance with the terms ofas referenced in the Grant, and agrees  
that \_\_\_\_\_ shall be subject to the Grant as modified by such Notice of  
CompletionModification and said revised amended Plan of Restricted Areas and to the rights,  
covenants, restrictions and easements created thereby and thereunder insofar as the interests created  
under the \_\_\_\_\_ affect the [Property][Restricted Area]Area(s) as so modified and  
as if for all purposes said Grant as modified by said Notice of CompletionModification and said  
revisedamended Plan of Restricted Areas had been executed, delivered and recorded prior to the  
execution, delivery and recordation of the \_\_\_\_\_.

WITNESS the execution hereof under seal this \_\_\_\_ day of \_\_\_\_\_ 199\_.

Holder \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

\_\_\_\_\_, 199\_

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing instrument to be his/her free act and deed before me,

\_\_\_\_\_  
Notary Public:

My Commission Expires:

[The execution of this Subordination Agreement by a secured lender and/or a fiduciary (as defined in M.G. L. c. 21E, § 2) for the purpose of subordination its lien to said Grant shall not render such secured lender or fiduciary an “owner” or “operator”, provided that such secured lender and/or fiduciary shall not otherwise be an “owner” or “operator” within the meaning of § 2. The execution of this Subordination Agreement by a person that is a lender (as defined by 42 U.S.C. § 9601 (20)(G)(iv)) for the purpose of subordinating its lien to said Grant shall not render such lender an “owner” or “operator” pursuant to 42 U.S.C. §§ 9601 (20) and 9607, provided that such lender shall not otherwise be an “owner” or “operator” within the meaning of 42 U.S.C. §§ 9601 (20) and 9607.]

Upon recording, return to:

Department of Environmental Protection  
Western Regional Office  
**436 Dwight StreetSpringfield, MA 01103**